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Resolution adopted by the General Assembly on 17 December 2015

[*on the report of the Third Committee (A/70/489/Add.2)*]

70/161. Human rights defenders in the context of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other relevant instruments,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recalling also all other previous resolutions on this subject, including its resolutions 66/164 of 19 December 2011 and 68/181 of 18 December 2013 and Human Rights Council resolutions 22/6 of 21 March 2013[3] and 25/18 of 28 March 2014,[4]

Reaffirming the importance of the Declaration and its implementation, and that promoting respect and support for the activities of human rights defenders is essential to the overall enjoyment of human rights,

Welcoming the steps taken by some States to promote and give full effect to the Declaration, as well as by the United Nations High Commissioner for Human Rights and some regional organizations in making the Declaration available and known to all stakeholders at the national and local levels in their respective languages, and underlining the need to promote and give effect to the Declaration, including through its translation into the various languages and its further dissemination with a view to its implementation in all regions,

Emphasizing the important role that individuals and civil society institutions, including non-governmental organizations, groups and national human rights

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] *See Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.
[4] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. IV, sect. A.

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institutions, play at the local, national, regional and international levels in the promotion and protection of all human rights and fundamental freedoms for all,

Recognizing the substantial role that human rights defenders can play in supporting efforts to strengthen conflict prevention, peace and development through dialogue, openness, participation and justice, including by monitoring, reporting on and contributing to the promotion and protection of human rights,

Recognizing also the vital work of human rights defenders in promoting, protecting and advocating the realization of economic, social and cultural rights, and concerned that threats and attacks against human rights defenders, and hindrance of their work, have a negative impact on the realization of these rights, including as they relate to environmental and land issues as well as development,

Mindful that domestic law and administrative provisions and their application should not hinder, but enable the work of human rights defenders, including by avoiding any criminalization or stigmatization of the important activities and legitimate role of human rights defenders and the communities of which they are a part or on whose behalf they work, and by avoiding impediments, obstructions, restrictions or selective enforcement thereof contrary to the obligations and commitments of States under international human rights law,

Reaffirming that States have the primary responsibility and are under the obligation to protect all human rights and fundamental freedoms of all persons,

Reaffirming also that national legislation consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights defenders conduct their activities,

Gravely concerned that national security and counter-terrorism legislation as well as measures in other areas, such as laws regulating civil society organizations, are in some instances misused to target human rights defenders or hinder their work, endangering their safety in a manner contrary to international law,

Recognizing the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation which hinders or limits unduly the ability of human rights defenders to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with the obligations and commitments of States under international human rights law,

Gravely concerned by the considerable and increasing number of allegations and communications of a serious nature received by special procedures of the Human Rights Council on the risks faced by human rights defenders, including women human rights defenders, and the prevalence of impunity for violations and abuses against them in many countries, where they face threats, harassment and attacks and suffer insecurity, including through restrictions on the rights to freedom of opinion, expression, association or peaceful assembly, abuse of criminal or civil proceedings, or acts of intimidation and reprisal intended to prevent their cooperation with the United Nations and other international bodies in the field of human rights,

Gravely concerned also about incidents of human rights defenders being subjected to attacks, threats and other abuses by non-State actors, and underlining the need for the human rights and fundamental freedoms of all persons, including human rights defenders, to be respected and protected,

Welcoming the steps taken by some States, including in follow-up to relevant resolutions, the universal periodic review under the Human Rights Council, special

procedures, treaty bodies and regional human rights mechanisms, towards the improvement of dialogue between authorities and civil society and towards the adoption of national policies and legislation that serve to create a safe and enabling environment and to protect human rights defenders, in particular from being prosecuted, in contravention of the obligations and commitments of States under international human rights law, for peaceful activities, and against threats, harassment, intimidation, duress, arbitrary detention or arrest, enforced disappearance, violence and attacks by State and non-State actors,

Recognizing that dissenting views, including views on government and corporate policies related to or with an impact on human rights, may be expressed peacefully and communicated freely in society, online and offline, in accordance with the obligations and commitments of States under international human rights law, and thereby emphasizing the importance of respecting all human rights of all, and stressing in this regard the importance of independent voices of civic activity, human rights education and independent, impartial and competent national judicial systems,

Stressing in particular that information and communications technologies are important tools for the promotion of human rights and reporting on human rights violations and abuses, and concerned that such technologies are increasingly being used to monitor and hamper the work of human rights defenders,

Strongly reaffirming that everyone has the right, individually and in association with others, to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels, as laid out in the Declaration,

1. *Stresses* that the right of everyone to promote and strive for the protection and realization of human rights and fundamental freedoms without retaliation or fear thereof is an essential element in building and maintaining sustainable, open and democratic societies;

2. *Calls upon* all States to take all measures necessary to ensure the rights and safety of human rights defenders who exercise the rights to freedom of opinion, expression, peaceful assembly and association, which are essential for the promotion and protection of human rights;

3. *Welcomes* the work and takes note of the report of the Special Rapporteur of the Human Rights Council on the situation of human rights defenders;[5]

4. *Urges* States to acknowledge through public statements, policies or laws the important and legitimate role of individuals, groups and organs of society, including human rights defenders, in the promotion of human rights, democracy and the rule of law, as essential components of ensuring their recognition and protection, including by condemning publicly all cases of violence and discrimination against human rights defenders, including women human rights defenders, underlining that such practices can never be justified;

5. *Strongly condemns* the violence against and the targeting, criminalization, intimidation, torture, disappearance and killing of any individuals, including human rights defenders, for reporting and seeking information on human rights violations and abuses, and stresses the need to combat impunity by ensuring that those responsible for violations and abuses against human rights defenders, including against their legal representatives, associates and family members, are promptly brought to justice through impartial investigations;

[5] A/70/217.

6. *Condemns* all acts of intimidation and reprisal by State and non-State actors against individuals, groups and organs of society, including against human rights defenders and their legal representatives, associates and family members, who seek to cooperate, are cooperating or have cooperated with subregional, regional and international bodies, including the United Nations, its representatives and mechanisms, in the field of human rights;

7. *Urges* non-State actors to respect and promote the human rights and fundamental freedoms of all persons and to refrain from undermining the capacity of human rights defenders, including women human rights defenders, to operate free from hindrance and insecurity;

8. *Calls upon* States to take concrete steps to prevent and put an end to the arbitrary arrest and detention of human rights defenders, and in this regard strongly urges the release of persons detained or imprisoned, in violation of the obligations and commitments of States under international human rights law, for exercising their human rights and fundamental freedoms, such as the rights to freedom of expression, peaceful assembly and association, including in relation to cooperation with the United Nations or other international mechanisms in the area of human rights;

9. *Reaffirms* the urgent need to respect, protect, facilitate and promote the work of those promoting and defending economic, social and cultural rights, as a vital factor contributing towards the realization of those rights, including as they relate to environmental and land issues as well as development;

10. *Calls upon* all States to create and maintain a safe and enabling environment for the realization of human rights and specifically to ensure that:

(*a*) The promotion and protection of human rights are not criminalized or met with limitations in contravention of the obligations and commitments of States under international human rights law;

(*b*) Human rights defenders, their family members, associates and legal representatives are not prevented from enjoying universal human rights owing to their work, including by ensuring that all legal provisions, administrative measures and policies affecting them, including those aimed at preserving public safety, public order and public morals, are minimally restrictive, clearly defined, determinable, non-retroactive and compatible with the obligations and commitments of States under international human rights law;

(*c*) Measures to combat terrorism and preserve national security are in compliance with their obligations and commitments under international law, in particular under international human rights law, and do not jeopardize the safety or arbitrarily hinder the work of individuals, groups and organs of society engaged in promoting and defending human rights, while clearly identifying which offences qualify as terrorist acts by defining transparent and foreseeable criteria;

(*d*) Where legislation and procedures governing the registration and funding of civil society organizations exist, they are transparent, non-discriminatory, expeditious, inexpensive, allow for the possibility to appeal and avoid requiring re-registration, with national legislation being in compliance with international human rights law;

(*e*) Procedural safeguards, including in criminal cases, are in place in accordance with international human rights law in order to eliminate unreliable evidence, unwarranted investigations and procedural delays, thereby effectively contributing to the expeditious closing of unsubstantiated cases, including against

human rights defenders, and individuals are afforded the opportunity to lodge complaints directly with the appropriate authority, and respecting, inter alia, the right to be informed promptly and in detail of charges, the right to the presumption of innocence, the right to a fair and public hearing, the right to choose and communicate with counsel in confidence, the right to present witnesses and evidence and cross-examine prosecution witnesses and the right to appeal;

(*f*) Information, such as evidence of serious violations of human rights, held by public authorities is not unnecessarily classified or otherwise withheld from the public, and States adopt transparent, clear and expedient laws and policies that provide for the effective disclosure of information held by public authorities and a general right to request and receive such information, for which public access should be granted, except within narrow and clearly defined limitations;

(*g*) Provisions do not prevent public officials from being held accountable, and penalties for defamation are limited in order to ensure proportionality and reparation commensurate with the harm done;

(*h*) Information and communications technologies are not used in a manner that amounts to arbitrary or unlawful interference with the privacy of individuals or the intimidation of human rights defenders;

11. *Recognizes* that, in the exercise of the rights and freedoms referred to in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, [6] human rights defenders, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society;

12. *Encourages* States to develop and put in place sustainable public policies or programmes that support and protect human rights defenders at all stages of their work in a comprehensive manner;

13. *Reaffirms* the utility and benefit of consultations and dialogue with human rights defenders related to public policies and programmes, including for protection purposes, and encourages States to appoint focal points or to employ other relevant mechanisms for human rights defenders within the public administration;

14. *Continues to express particular concern* about systemic and structural discrimination and violence faced by women human rights defenders of all ages, and reiterates its strong call upon States to take appropriate, robust and practical steps to protect them and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights, as called for by the General Assembly in its resolution 68/181;

15. *Expresses concern* about stigmatization and discrimination that target or affect individuals and associations defending the rights of persons belonging to minorities or espousing minority beliefs or views, or other groups vulnerable to discrimination, and calls upon States to ensure that legislation does not target the activities of individuals and associations defending the rights of persons belonging to minorities or espousing minority beliefs;

[6] Resolution 53/144, annex.

16. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms;

17. *Takes note* of the reports of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights;

18. *Welcomes* the efforts made by States to investigate allegations of intimidation or reprisal and to bring perpetrators to justice, and encourages Governments to support such efforts;

19. *Strongly calls upon* all States:

(*a*) To refrain from, and ensure adequate protection from, any act of intimidation or reprisal against human rights defenders who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates;

(*b*) To end impunity for acts of intimidation or reprisal by bringing the perpetrators to justice and by providing an effective remedy for their victims;

(*c*) To avoid legislation and practices that have the effect of undermining the right reaffirmed in paragraph 16 of the present resolution;

20. *Encourages* all relevant regional organizations to consider the situation of human rights defenders and to develop and employ appropriate and effective measures for their protection, inter alia, by addressing violations and abuses by State and non-State actors;

21. *Encourages* leaders in all sectors of society and in their respective communities, including political, military, social and religious leaders and leaders in business and the media, to express public support for the important and legitimate role of human rights defenders in society, including women human rights defenders, and in any cases of violence and discrimination against them to take a clear stance in rejection of such practices;

22. *Underscores* the responsibility of all transnational and other business enterprises to respect human rights, including the rights of human rights defenders to freedom of expression, peaceful assembly and association, and participation in public affairs, which are essential for the promotion and protection of human rights, including economic, social and cultural rights and the right to development, urges enterprises to identify and address any adverse human rights impacts related to their activities through meaningful consultation with potentially affected groups and other relevant stakeholders in a manner consistent with the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework,[7] and underlines the importance of accountability, including of all transnational and other business enterprises, including their provision of, or cooperation in, remediation;

23. *Underlines* the value of national human rights institutions, established and operating in accordance with the Paris Principles,[8] in the continued monitoring of existing legislation and consistently informing the State about its impact on the

[7] A/HRC/17/31, annex.

[8] Resolution 48/134, annex.

activities of human rights defenders, including by making relevant and concrete recommendations;

24. *Encourages* national human rights institutions to pay due attention to the situation of human rights defenders, including through consultations with relevant stakeholders on issues such as legislation, policies and administrative measures that affect the defence of human rights, and to develop and support the documentation of violations and abuses against human rights defenders in a comprehensive manner;

25. *Encourages* the Office of the United Nations High Commissioner for Human Rights and the special procedures, within their respective mandates, to continue the efforts related to the protection of human rights defenders, as laid out in relevant resolutions, including by offering technical assistance for the consideration of States in bringing their legislation and its application into line with the obligations and commitments of States under international human rights law;

26. *Encourages* United Nations bodies, agencies and other entities, within their respective mandates and in cooperation with the Office of the High Commissioner and the Special Rapporteur, to address the situation of human rights defenders in their work in order to contribute to the effective implementation of the Declaration;

27. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of his or her mandate, including in the context of country visits and through suggestions on ways and means of ensuring the protection of human rights defenders, including women human rights defenders;

28. *Urges* States to cooperate with and assist the Special Rapporteur in the performance of his or her mandate, including by responding without undue delay to the communications transmitted to them by the Special Rapporteur, and reiterates its call upon States to give favourable consideration to the requests of the Special Rapporteur to visit their countries and to enter into a constructive dialogue with respect to the follow-up and implementation of recommendations, so as to enable the Special Rapporteur to fulfil his or her mandate even more effectively;

29. *Requests* the Special Rapporteur to continue to report annually on his or her activities to the General Assembly and the Human Rights Council, in accordance with the mandate, and invites the Special Rapporteur to take into account progress on the implementation of the present resolution in his or her reporting;

30. *Decides* to remain seized of the matter.

80th plenary meeting
17 December 2015